

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 18750 of 2015 (O & M)

Date of decision: 21.09.2015

Ram Chand

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.M. Tripathi, Advocate,
for the applicant-petitioner.

Mr. Rakesh Verma, Sr. DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 12181 of 2015

Application for placing on record speaking orders dated 02.09.2015 passed by Chief Engineer/Drainage, Irrigation Work, Punjab is allowed, subject to all just exceptions.

The same are taken on record.

CWP No. 18750 of 2015

Challenge in the present writ petition is to the order dated 29.07.2015 (Annexure P-2) whereby, the petitioner has been transferred from the Store Procurement Division, Chandigarh to UBDC Circle, Amritsar.

The petitioner had earlier approached this Court against the said order and a direction had been issued on 10.08.2015 that the petitioner will be at liberty to approach respondent no. 2 for the necessary relief since it had been alleged that petitioner's wife Smt. Sarla Devi was also employed

as a Junior Assistant in the Office of the Discharge Division, Punjab Irrigation Department, Sector 68, Mohali and as per the policy dated 08.06.2015, the employees were to be kept at one station. The grouse of the petitioner when he filed the present petition on 07.09.2015 was that the order has not been complied with. Now, the order dated 02.09.2015 has been placed on record whereby, it reveals that the said respondent has, by passing a speaking order, rejected the representation of the petitioner.

A perusal of the speaking order would go on to show that the petitioner has remained posted at Chandigarh since 01.10.2010 alongwith his wife who, admittedly, is working at Mohali, which is the part of the Tricity as such. A perusal of the policy, on which reliance has been placed upon, would go on to show that the said benefit is to accrue not more than 5 years and thereafter, the employees would be liable to be transferred. The relevant portion of clause 2(b) reads thus:-

“2(b) When Husband and Wife were serving the Government it was desirable to keep them at one station for a period of not more than 5 years, thereafter they would be transfer as per the policy.”

Keeping in view the fact that the petitioner has been in Chandigarh for almost 5 years and the Department had been adjusting him as such, the speaking order which has now been passed does not suffer from any infirmity. The said respondent has noticed the observations of the Apex Court in ***State of U.P. vs. Gobardhan Lal, AIR 2004 Supreme Court 2165.*** There are no allegations of any mala fide against any official. It is settled principle that transfer is an exigency of service and in the absence of any violation of any statutory provision, the scope for interference under Article

226 of the Constitution of India is very limited.

Accordingly, the present writ petition is dismissed.

21.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE